

**BEFORE THE ARIZONA STATE BOARD
RESPIRATORY CARE EXAMINERS**

In the Matter of:)	CASE NO. 2019-RCE-0044
)	2019-RCE-0104
MARC C. MCBEE, RCP)	
Holder of License No. 010031)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
For the Practice of Respiratory Care)	ORDER FOR REVOCATION
In the State of Arizona)	
)	

Marc C. McBee, RCP (“Respondent”), did not appear before the Arizona State Board of Respiratory Care Examiners (“Board”) for a Formal Administrative Hearing on Thursday, July 18, 2019. Frankie Shinn-Eckberg, Assistant Attorney General, appeared on behalf of the State of Arizona. Mary Williams, Assistant Attorney General, appeared as independent advice counsel for the Board. Following the presentation of the State’s Motion to Deem the Allegations Admitted, pursuant to A.R.S. § 32-3553(K), the Board voted to grant the State’s Motion and adopted the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Arizona State Board of Respiratory Care Examiners is the duly constituted agency for licensing and regulating of the practice of respiratory care in the State of Arizona and has jurisdiction over Respondent as a licensee of the Board and the subject matter pursuant to A.R.S. § 32-3501, *et seq.*

2. Marc C. McBee, RCP (“Respondent”), is the holder of License Number 010031 which enabled him to practice respiratory care in the State of Arizona.

3. Respondent has been licensed to practice respiratory care in the State of Arizona since June 16, 2011 and Respondent’s license to practice respiratory care was active until February 23, 2021, prior to this Order.

4. On February 22, 2019, Respondent timely submitted an application for renewal of his respiratory care license.

5. As part of the renewal process, the Board conducts a mandatory Continuing Education Audit pursuant to A.A.C. R4-45-208.

1 6. Respondent responded to the Board's request for the Continuing Education Audit
2 on or before the date specified in the audit notice but submitted zero units of approved
3 continuing education, stating he had not obtained any of the units required for renewal of his
4 license. Respondent was unable to produce documentation showing he had obtained any units of
5 approved continuing education as required by law and failed to demonstrate compliance with the
6 continuing education requirement mandated for Respondent's last renewal period of February
7 23, 2017 to February 23, 2019.

8 7. On Respondent's application for renewal, Respondent falsely claimed he had
9 obtained all twenty hours of continuing education required for renewal of his license.

10 8. The Board further reviewed the application and discovered that Respondent had
11 failed to disclose criminal charges filed against him on January 29, 2019 after he was arrested by
12 officers from Lake Havasu City Police Department.

13 9. On January 29, 2019, Respondent was indicted in Yuma County Superior Court
14 for POSSESSION/USE OF DANGEROUS DRUGS and POSSESSION/USE OF DRUG
15 PARAPHERNALIA. Respondent did not self-disclose the charges to the Board within ten days
16 and did not self-disclose the arrest on his application for renewal.

17 10. On April 19, 2019, Respondent pleaded guilty to POSSESSION OF DRUG
18 PARAPHERNALIA (METHAMPHETAMINE), a Class One Misdemeanor, and
19 THREATENING AND INTIMIDATING BY DV, a Class One Misdemeanor. Respondent
20 stipulated to a three year period of unsupervised probation, to include: a 25 day suspended jail
21 sentence, fines and fees, mandatory counseling, and drug testing. In exchange, the State of
22 Arizona agreed to dismiss the charge of POSSESSION OF DANGEROUS DRUGS.

23 11. Respondent's history with the Board includes a non-disciplinary order issued on
24 November 28, 2017 for license number 010031 regarding a failure to report criminal charges for
25 DISORDERLY CONDUCT DV and CRIMINAL DAMAGE DV on May 23, 2017 and
26 THREATS DV and DISORDERLY CONDUCT DV on August 8, 2017.

1 **ORDERED THAT** License No. 010031 issued to Marc C. McBee shall be **REVOKED** on the
2 effective date of this Order.

3 **IT IS FURTHER ORDERED** that Marc C. McBee may not apply to the Board for
4 reinstatement of his license for at least one calendar year from the issuance date of this Order,
5 as specified in A.R.S. § 32-3554 (A) and (B).

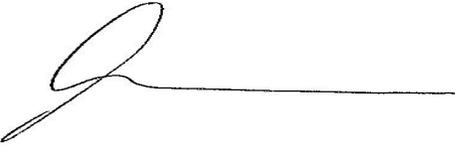
6 **NOTICE**

7 In order to be eligible for judicial review pursuant to Title 12, Chapter 7, Article 6, you
8 are required to exhaust your administrative remedies by filing a motion for rehearing or review
9 of the Board's decision within thirty-five days after these Findings of Fact, Conclusions of Law,
10 and Order are mailed to you at your last known address, or thirty days after they are personally
11 served upon you. Pursuant to A.R.S. § 41-1092.09(B), you are notified that failure to file a
12 motion for rehearing or review in writing at the Board's office by that date has the effect of
13 prohibiting you from seeking judicial review of the Board's decision.



15 DATED THIS 23RD DAY OF JULY, 2019.

16 ARIZONA STATE BOARD OF RESPIRATORY CARE EXAMINERS

17
18
19 By: 
20 Jack Confer, Executive Director

21 Original Findings of Fact, Conclusions
22 Of Law, and Order for Revocation of License to
23 Practice Respiratory Care filed this
24 23rd day July, 2019 with the:

25 Arizona Board of Respiratory Examiners
26 1740 West Adams Street, Suite 3406
Phoenix, Arizona 85007

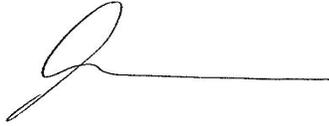
Copy of the foregoing send by Electronic,
Certified and Regular mail this 23rd day
of July, 2019 to:

1 Marc C. McBee
2 Address of Record

3 Copy of the foregoing sent by electronic
4 mail this 23rd day of July, 2019 to:

4 Frankie Shinn-Eckberg, Assistant Attorney General
5 Office of Arizona Attorney General
6 2005 North Central Avenue
7 Phoenix, AZ 85004

7 Mary D. Williams, Assistant Attorney General
8 Office of Arizona Attorney General
9 2005 North Central Avenue
10 Phoenix, AZ 85004

A handwritten signature in black ink, appearing to be 'M. Williams', is written over a horizontal line that spans the width of the text area.

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